

April 2, 2004

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

Re: *Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands* – WT Docket No. 03-66 --  
**WRITTEN EX PARTE PRESENTATION**

Dear Ms. Dortch:

I am writing on behalf of the Wireless Communications Association International, Inc. ("WCA") in response to the March 25, 2004 written ex parte presentation by Teton Wireless Television, Inc. ("Teton") in this docket. Teton purports to respond to a February 12, 2004 submission by which WCA demonstrated that adoption of Teton's proposal for allowing all high-power, high-site facilities to avoid transition to the proposed new bandplan poses serious risks to widespread broadband deployment in the Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") bands.

Teton's latest filing merely reiterates its contention that interference analyses performed by Kessler & Gehman Associates, Inc. ("Kessler & Gehman") overstate the extent to which continued operation of high-power, high-site facilities will cause cochannel interference to low-power, low-site broadband systems operating in nearby markets. The nub of Teton's complaint is that Kessler & Gehman utilized the Commission-approved free space + RMD model for predicting propagation, rather than the Longley-Rice model preferred by Teton's engineers. In its February 12<sup>th</sup> letter, WCA demonstrated why the free space + RMD model is superior for the Commission's present purposes, and that showing need not be repeated here. Suffice it to say that Longley-Rice will result in predictions of non-interference when, in fact, interference will actually occur in the field. Contrary to Teton's assertions, the Commission should be applying a conservative model here, since the Commission's objective of promoting broadband deployment in the MDS and ITFS bands will be sorely compromised if legacy systems are permitted to blast

Ms. Marlene H. Dortch  
April 2, 2004  
Page 2

interfering signals far outside their own authorized service areas because the Commission used a model that overstates propagation losses.

Most importantly, Teton's latest filing does not even address, much less refute, the fundamental point WCA made in its February 12<sup>th</sup> letter, to wit:

In the end, however, it does not matter which propagation model one chooses to employ here. *What is important is that even using Teton's propagation model, interference from its Twin Falls system to cellular operations outside Teton's service area is predicted.* Although glossed over by Teton's cover letter, Teton's own engineering analysis concedes that interference is predicted at 8 of the 47 Sprint base stations under consideration and that this interference would adversely impact 2,257 square miles of Sprint's authorized service area. While debates over how many cell sites will suffer interference, how much land area will be adversely effected, and how many people reside in that area can proceed *ad nauseum*, there is no disputing that continuation of Teton's high-power, high-site operation will hamper the ability of its neighbor to provide cellular service in the Lower Band Segment and Upper Band Segment that are proposed to be a safe haven for cellular service. (footnotes omitted).

And that should be the end of the debate. Teton's own filings establish the point that WCA has been making throughout this process – the continued operation of high-power, high-site downstream transmission facilities poses a threat of cochannel interference to cellular systems operating in neighboring markets. In an effort to be fair to incumbent service providers, WCA has proposed that multichannel video programming distributors serving as little as 5% of the population of their service area or utilizing digital compression technology on more than 7 channels be grandfathered. However, for the reasons WCA, NIA and CTN have discussed in detail before and which need not be repeated here, extending that grandfathering further as Teton appears to advocate is unwarranted and contrary to the public interest.<sup>1</sup>

Respectfully submitted,

/s/ Paul J. Sinderbrand

Paul J. Sinderbrand

Counsel to the Wireless Communications  
Association International, Inc.

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<sup>1</sup> See, e.g. Reply Comments of WCA, NIA and CTN, WT Docket No. 03-66, at 44-51 (filed Oct. 23, 2003); Reply Comments of WCA, NIA and CTN, RM-10586, at 26-34 (filed Nov. 29, 2002)

Ms. Marlene H. Dortch  
April 2, 2004  
Page 3

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